

Advisory Opinion

IECDB AO 2004-14

October 21, 2004

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(11) and rule 351—1.2, the Iowa Ethics and Campaign Disclosure Board issues this opinion on the prohibition on renting corporate property to place a campaign sign. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B and rules in Iowa Administrative Code chapter 351.

OPINION:

In IECDB Advisory Opinion 2001-02, the Board issued an opinion concerning candidates and campaign committees renting or leasing space from financial institutions, insurance companies, and corporations to place campaign signs. The legislature has since enacted a new statute concerning placement of campaign signs.¹ Due to the enactment of new legislation, the Board issues this updated opinion.

Iowa Code section 68A.503 prohibits financial institutions, insurance companies, and corporations (prohibited contributors) from using their money, property, labor, or thing of value for the nomination, election, or defeat of a candidate. Committees involved in ballot issue elections are not subject to this prohibition.

The new campaign sign statute does permit certain situations when a candidate or a committee that advocates for or against a candidate may use the property of a prohibited contributor to place campaign signs.² However, the statute does not expressly permit a candidate or a committee that advocates for or against a candidate to lease or rent property from a prohibited contributor for the sole purpose of placing a campaign sign.³

Therefore, the Board believes that candidates and committees that advocate for or against the nomination, election, or defeat of candidates may not rent or lease space from a prohibited contributor for the purpose of placing a campaign sign.

In closing, the Board encourages everyone becoming involved with state and local campaigns to review the proper placement of campaign signs as set out in 2004 Iowa Acts, House File 2319, section 5, and IECDB Advisory Opinion 2004-05. An improperly placed campaign sign is subject to removal and the person placing the sign is subject to the possible imposition of civil and criminal penalties.

IECDB Advisory Opinion 2001-02 is hereby modified. The determination reached in that opinion relating the renting or leasing of space belonging to a financial institution, insurance company, or corporation is left intact. The portions of that opinion relating to the Iowa Code section 56.15 and rule 351 IAC 4.80 including the discussion of property owned by a private individual and leased to a corporation are repealed.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair
Janet Carl, Vice Chair
Gerald Sullivan
Betsy Roe
John Walsh
Patricia Harper

Submitted by: W. Charles Smithson, Board Legal Counsel

¹ See 2004 Iowa Acts, HF 2319, section 5, and IECDB Advisory Opinion 2004-05. As of the date of this opinion, the new statute is cited as “68A.406B” but it may be renumbered when the final session laws are published.

²This includes political committees (PACs) that are not ballot issue committees, state party committees, and county central committees.

³The statute does permit the placement of signs on property that is a family farm operation as defined in Iowa Code section 9H.1, subsections 8-10, leased for residential purposes, or on property that is leased as campaign headquarters.